

Full Length Research Paper

The detrimental crime of abortion: A comparative study between Malaysian law and common law

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Although procreation is considered as the most important function of marriage, millions of women use some means of contraception and even resort to abortion. Medical reasons constitute only a small proportion of the actual number of cases and the rest being for social and other reasons. Islam places great value on human life. Any attempt to take it away in any stages is a heinous crime. This research will discuss the different viewpoints of Islamic jurists regarding the legal position of abortion and its punishment under Islamic criminal law. Besides that, this research will also make a comparison with Malaysian and common laws. As a result, the writer found out that abortion should be prohibited as it is a crime against human being and it can only be allowed where the fully trained medical doctor view that the continuance of the pregnancy will endanger the life of the mother.

Key words: Detrimental, crime of abortion, comparative law, Islamic law, common law.

INTRODUCTION

Although abortion is commonly practiced throughout most of the world and has been practiced since long before the beginning or recorded history, it is a subject that arouses passion and controversy. Abortion raises fundamental question about human existence, such as when life begins and what it is that makes us human.

Abortion is at the heart of such contentious issues. As it discuss the right of women to control their own bodies, the nature of the state's duty to protect the unborn, the tension between secular and religious views of human life and the individual and conflicting rights of the mother and the fetus.¹

Nevertheless, all human life is considered sacred in Islam, from contraception through to natural death. Only Allah, the creator of all can create or ordain that it be taken away. The moment of death has been fixed in advance by Allah. Our bodies belong to the Creator and neither men nor women have the right to treat them as they wish. This includes all or part of our bodies and anything else arising from contraception².

The situation is clearly expressed in the Qur'an where we are told that in the sight of Allah killing a human is a very serious matter.³

ليءارس! ىنب ىلع انبتك كلذ لجا نم { : ىلاعت دللا لاق
امن الكف ضرالا يف اداسف وا سفن ريغب اسفن لتق نم هن
{ اعيمج سانلا لتق }

Allah said rose: {[mn] ['aj]} that structures wrote on
['israa'yl] indeed him from killing of breath [bGyr]
breath or decay in the land [fk'anmaa] killing of the
people all}

On that account human life is sacred and should not be taken away except upon indications singled out and specified by law.

The sanctity of human life covers all it stages including the intrauterine phase. Many centuries ago, it was thought that the early fetus was devoid of life but now we know that this is not the case.

The Qur'an also teach us that on the Day of Judgment parents who killed their children will be under trial for that crime, and their children will be witnesses against them⁴.

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{ تلتق بنذ ياب . * تلىس ءءوملا اءاو } : ىلاعت لاق

Said rose: {and if [aalmu'dt] asked*. In any guilt killers}

People often fear that having more children will make them poor. In reply to that Allah S.W.T in his Holy Qur'an says that: "Do not slay your children for fear of poverty. We shall provide for them for you"⁵. From the verse we can infer that in a case where one is already poor, the Qur'an insists that Allah will provide sustenance for us and for our children. Thus, the right to life is God given and no human should take away that right.

DEFINITION

Abortion is a termination of a pregnancy before birth, resulting in the death of the fetus. Some abortions occur naturally because a fetus does not develop normally or because the mother has an injury or disorder that prevents her from carrying the pregnancy to term. This type of spontaneous abortion is commonly known as a miscarriage. According to Osborn's Concise Law Dictionary (Leslie and Sheila, 1996) abortion can be defined as a miscarriage or expulsion of a human fetus before gestation is completed

There is a lot of definition which has been subscribed to the word abortion. Many jurists had formulated their own opinion regarding the interpretation of the word. The word abortion can be simply defined as any act or omission which causes the termination of life of the unborn babies' (Sayed Sikandar, 2000).

Ibn Mansur in his book (Mansur, 1978) had literally defined the word abortion which comes from the Arabic word "*al-ijhadh*" to means dropping or throwing out. Technically the word abortion refers to the termination (dropping of child) of pregnancy before the completion of all stages of its development into a full human being. In the word of the tradition the word abortion is simply refers to dropping or terminating the pregnancies.

Some author defines the act of abortion as the expulsion of a fetus from the womb of its mother. If it occurs without outside influences or aid and up to the fourth month of pregnancy, it is called a spontaneous abortion. A spontaneous abortion occurring between the fourth and sixth months of pregnancy is called a miscarriage. Furthermore, where an abortion is effected by external aids or devices it is called an induced abortion (Finlay and Sihombing, 1978).

Islamic jurist also has a specific definition to the act of abortion. School of Hanafiyyah for example had defined abortion as a crime of murder of uncompleted life being. Even though it is not amounted to homicide or murder against human being it can stand as it own on separated headline. However jurist from the School of Malikiyyah, Syaffi'iyah, and Hanbali had inclined to define it as an evil deed done against the helpless unborn babies (Paizah, 1996).

It is astonishing to find differences in defining abortion by different laws, countries and medical practices at different times. Sir Stanley Clayton and John Newton in their booklet (Clayton and Newton, 1976) define abortion as the expulsion of the conceptus before the 28th week of pregnancy; a view that is still held by the British law up to this moment. Ralph Benson in his book defines abortion as the termination of pregnancy before the fetus is viable. Technically, viability is reached at 23-24 weeks, when the fetus weight slightly more than 600 grams. Term as miscarriage is usually used by the public to denote spontaneous abortion, while the term abortion denotes induced abortion whether legalized or not (Bennett, 1998).

LEGAL POSITION UNDER ISLAMIC CRIMINAL LAW

Allah had stated in His Holy Qur'an:

"O prophet: When believing women come to you give you their pledge not to associate anything with God in worship, that they shall not steal, that they shall not commit adultery, that they shall not killed their children, that they shall not utter slander, intentionally forge falsehood, and they shall not disobey you in any just cause: then accept their pledge and pray to Allah for their forgiveness, for Allah is Oft-forgiving Most Merciful".⁶

In a fore mentioned verse of the Qur'an we should focus on the passage "that they shall not killed their children." In the Arabic context the word children has a connotation meaning both male and female children. During the pre-Islamic period, the crime of infanticide was known to be committed for three reasons. The first was burial alive female infants for fear of shame. The second was in fulfillment of a pledge to the idols if a wish came true; while the third was poverty and inability to sustain a new child.

The significant historical fact was that this crime was always executed by man never by women. In scrutinizing the pledge given by the believing women not to kill their children, the three known crimes have gone out of historical context. Therefore it leaves us to believe that infanticide carried out by women and forbidden by this verse of the Qur'an can only mean the practice of abortion which at that time was practicable by women only.⁷

GENERAL RULE

The act of abortion is not a recent incident in our society. From the time of recorded history, women have been trying to prevent conception, or after it has occurred, to abort an unwanted fetus, while others have been seeking

means to conceive after they have failed to do so naturally.

In the Qur'an there is no specific mention of abortion. However there are several Quranic verses which discuss on the prohibition of killing the children. Allah had stated in His Holy Qur'an:

مب اوكرش تال مكيلع مكبير مرح ام اولاعت لاق : { :ىلاعت لاق
* قالم نم مكدالوا اولتقت الو * اناسح! نيدل اولابو ايش
امو امن رهظ ام شح اوفلا اوبرقت الو * مه اي او مكقزرن نحن
نطب*

"Say: Come, I will recite what God has really prohibited you from. Join-not anything as equal with Him. Be good to your parents. Kill not your children on a plea o want; We provide sustenance for you and for them. Come-not near to shameful deeds whether open or secret. Take no life which Allah has made sacred except by ways of justice and law. Thus does He command you, that you may learn wisdom."⁸

Another verse which command the prohibition of killing the children on the factor of financial restrain is as follows:

مقزرن نحن * قالم! تيشخ مكدالوا اولتقت الو { :ىلاعت لاق
* اريبك اطاخ ناك مهلتق ناو * مكاي او

"Kill not your children for fear of want: We shall provide sustenance for them as well as for you. Verily the killing of them is a great sin."⁹

The protagonists of family limitation to curb down population growth so as not to outstrip available resources tend to insist that this can never be achieved without the back-up of abortion to existing contraceptive technology. Such practice would be unacceptable to Islam. The two verses make mention of existing as well as anticipated Poverty; neither can justify the killing of one's children.

In contemporary practices, some peoples resort to abortion for flimsy reasons such as avoiding the duties of upbringing or not to destroy the beauty of a woman. The issue is whether the Shari'ah allows such a practice?

The answer depends on the stage of embryonic development. According to Quranic account, a fetus in uterus passes through four phases; nutfah (fluid), alaqah (something which clings), mudghah (tender flesh), and a full constituted child.¹⁰ It is after the stage of mudghah that spirit is breathed into him.

After the stage of mudghah, the jurists agree that abortion is categorically prohibited. And in no circumstances it can be resorted unless it becomes absolutely necessary, as in the cases whereby the pregnancy poses a serious threat to the mother's life. In other words it can be said that the Islamic jurist unanimously agreed that it is unlawful to have abortion after the breathing soul, un-

less it is medically necessary to do so, since such act is similar to killing which is unlawful (Sayed Sikandar, 2000).

The infusion of the soul is said to occur after 120 days. Abortion before this period, if not necessary, is a matter of disagreement between the Muslim Scholars, who are of various opinions.

However majority of Muslim jurist had prohibited the abortion in all stages. Imam Ghazali, one of the prominent scholars from Shafi'i school of thought of the opinion that the termination of pregnancy or an act of abortion is a crime at any time from the contraception. Its destruction is more serious, if it passes to the stage of blood clot and it becomes a more serious crime if it is destroyed at the stage of becoming a fetal lump. Lastly it will become a more heinous crime if it is aborted after the beginning of the life (Abi Hamid, 1980).

Some Shafi'i and Hanafi scholars advanced the view that once the sperm is deposited in the uterus and is ready for receiving the property of life; its termination is categorically reprehensible. But a weak opinion in the Hanafi School suggests that abortion is permissible provided that it is carried out within the first four months. Nevertheless, according to more authoritative opinion of Hanafiyah, the permissibility of such termination is only valid if it becomes necessary such as saving the life of the mother. Other than that the basic rule is prohibition (Abi Hamid, 1980).

Therefore, from this general position of the Shari'ah on abortion, it can be safety be submitted that in no circumstances termination of fetus of four months old is allowed. In other words, Muslim jurists have agreed unanimously that after the fetus is completely formed and has been given a soul, abortion is Haram. It is also a crime, the commission of which is prohibited to the Muslim because it constitutes an offence against a complete, living human being.

EXCEPTION TO THE GENERAL RULE

Islamic law prohibits killing a baby before it's born. Abortion is permitted only when a trustworthy physician decides that continuation of pregnancy will cause much harm and ruin the woman's life. In other words, abortion will only be allowed if continuation of pregnancy is going to endanger the life or health of the expectant mother; or if there is proven serious congenital anomaly in the embryo or fetus. The performance of abortion should be done prior to the 120 days from the start of conception, which is considered according to the hadith or saying of the Prophet (pbuh) to be the time of ensoulment (Shaloot, 1988).

However, if the life of the expectant mother is endangered, and not only her health, abortion or pre term delivery can be performed at any time of pregnancy to save her life. The decision of abortion should be agreed upon

by three specialist physicians with clear medical indication (Shaloot, 1988). This was the Fatwa (Decision) of the Islamic Jurist Council of Makkah Al-Mukarramah (Islamic World League) held in Makkah from 10th to 17th February 1990. However the decision was passed by the majority of votes, with abstention of the president late Sheikh Abdulaziz bin Baz and Sheikh Bakr Abu Zaid¹¹.

Many Islamic jurists are more stringent and would allow abortion in the first 40 days of conception. More conservative jurist like the Maliki School and Imam Ghazali do not allow abortion at any time of pregnancy except to save the life of expectant mother.

The authority can be deduced from the writing of Muslim physicians of the classical period, such as al-Razi, Ibn Sina and Ibn Hubal. They were of the view that the abortions were considered justified in their times if the life of the mother was in danger (Abdul Fadl, 1991). Al-Razi mentioned justifying his opinion by reference to the writings of the great doctor, Hippocrates that abortion should be allowed in circumstances where a very young female had become pregnant, and for those women with small reproductive organs for fear that they might die if the fetus reached full growth.

Ibn Sina allowed abortion in similar circumstances, or when the woman suffers from the disease of the uterus. Ibn Hubal though that knowledge of contraceptive and abortive medicines should not be disseminated among the common people, but should only be available to physicians to use in cases they thought appropriate (Abdul Fadl, 1991).

Sheikh Shaloot had of opinion that Islamic scholars forbid abortion after a baby is given life after four months of pregnancy. Abortion after four months is a crime against a living creature. If that type of pregnancy means the death of the mother, then Islamic law recommends the lesser of the two evil that is abortion (Fouzi, 1994).

This permission is based on the principle of the lesser of the two evils known in Islamic legal terminology as the principle of *al-ahamm wa al-muhimm* (the more important and the less important). The Prophet said, "When two forbidden things come [upon a person] together, then the lesser will be sacrificed for the greater." In the present case, one is faced with two forbidden things: either abort the unborn child or let a living woman die. Obviously, the latter is greater than the former; therefore, abortion is allowed to save the live person.¹²

Dr. Yusuf Al Qaradawi agreed on the fact that Muslim jurists allow abortion on one condition, that is, "the continuation of the pregnancy will result in the death of the mother". According to the Islamic jurisprudence, the principle of a lesser of two evils applied in the situation as "the mother is the origin of the fetus Moreover she is established in life, with duties and responsibilities and she is also a pillar of a family. It would not be possible to sacrifice her life for the life of a fetus which has not yet acquired a personality and has no responsibilities or obligations to fulfill" (Kamal et al., 1980).

The mother of the developing fetus is viewed as "the root and the fetus to be the offshoot; the latter to be sacrificed if this is necessary to save the former. Besides that there also some jurist who will allow abortion for social reasons e.g. rape or where continuation of pregnancy will affect a nursing child and where a wet nurse is not available or the father is too poor to afford a wet nurse. Prominent among those allowing abortion are Zaidi School of jurisprudence who will allow abortion for social and minor medical reasons in the first 120 days of contraception. Some jurist of the Hanafi, Hanbali and Shafi'i School will follow suit with minor restrictions (al Bar, 1985).

ABORTION IN THE CASE OF RAPE, INCEST OR DEFORMITY IN FETUS

The current issue arises in the modern society is on the legality of abortion of a fetus resulted from the case of rape or incest or the existence of deformity in the fetus.

Modern technology (like ultra sound scan) has made it possible to know whether or not a child has a defect long before he is born. Some people justify the abortion of a defective fetus. The present mujtahids do not allow such abortions; they say that the parents should pray and hope for a normal and healthy child. There are many examples where the prediction of the doctors have been proven wrong! In other words, what our mujtahids are saying is that take preventative measures before going for pregnancy; but once pregnancy has taken place; you are not allowed to abort a fetus even if it is defective.¹³

In Saudi Arabia a fatwa has been issued stating that the abortion of deformed fetus cannot be permitted. Such a predicament should be considered a trial from Allah the Almighty. It is also noted that the life span of grossly deformed fetus is naturally short, and if abortion is allowed it might lead in time to acceptance of other measures such as euthanasia for the handicapped (Abdul Fadl, 1991). Unfortunately this view does not take into account the mental and physical suffering of a woman who knows that her child will still inevitably die but only after she has endured the full term of a futile pregnancy and the labour and dangers of childbirth

In the case of rape, Abu Fadl argues that there is not objection to her seeking medications against pregnancy on the basis that it is allowed to get rid of the semen before it settles in the womb. But if pregnancy is established, then Islam does not allow abortion. In such cases, Islam says that why abort the child for the crime of the father? As for the reputation of the woman, Islam strongly condemns the people who look down upon the rape victim; instead of reviling her, they should be sympathetic to her (Abdul Fadl, 1991).

However the majority of Islamic jurists throughout history will not allow abortion except for strong medical reasons as been discussed.

THE PUNISHMENT PROVIDED UNDER ISLAMIC LAW

Punishment for illegal abortion is provided for in Islamic law. The scholars agreed that *diyat* or blood money may be payable if the fetus is aborted or alternatively, *kaffarah* (expiation) or *ghurrah* (compensation) may be required (Jamila, 1999). *Diyat* is required to be paid to the heirs of a deceased person by the person who brought about the death but the jurist of four major schools differ as to the exact circumstances in which *diyat* rather than *ghurrah* should be paid in the case of abortion.

Kaffarah means to atone for a sin usually through fasting, but in the past also through freeing a slave. A result could therefore be a doctor who performs a non-therapeutic abortion after the fourth month of pregnancy would be liable to pay a share of the *diyat*. He is also expected to atone for his sin by fasting for two consecutive months as *kaffarah*. If before the fourth month, he should pay the *ghurrah* in compensation. The woman who seeks an abortion can also be liable in the same way (Abdul Fadl, 1991).

If a person intentionally causes hurt to a pregnant woman which causes miscarriage, he shall be liable for *diyat* if the child is born alive and dies later on. And if the child is born dead, the offender shall be liable for 1/20 of *diyat*. He shall also be liable for *ta'zir* to be determined in the circumstances of the case (Anwarullah, 2002). In case the offender has caused such hurt by mistake, the 1/20 of *diyat* shall be paid by his *aqilah* in lump sum or within a period of one year. Furthermore, in the case where the child in such miscarriage is such whose organs or limbs have not been formed and the miscarriage had not been caused in good faith for the purpose of saving the life of the woman, the offender shall be liable for *ta'zir* (Ahmad Shahbari, 1997).

Sheikh Shaltout¹⁴ had given his opinion that the old scholars are agreed that after quickening takes place i.e. during 120 days of contraception the abortion is prohibited to all Muslims, for it is a crime against a living being. Therefore blood ransom is due if the fetus is delivered alive and then dies immediately after delivery, and *ghurrah*, that is, 1/20 of the *diyah* if the baby delivered dead (Shaltoot, 1966).

LEGAL POSITION OF ABORTION UNDER MALAYSIAN LAW

Malaysia does not have the specific legislation on termination of pregnancy or abortion. However the position is governed by the Malaysian Penal Code¹⁵. The illustration to Section 312 of the Malaysian Penal Code concern on the causing miscarriage. The section reads as follows:

“Causing miscarriage, unless caused in good faith for the purpose of saving the life of the woman is an offence independently of any harm which it may

cause or intended to cause to the woman. Therefore it is not an offence and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.”

Causing miscarriage is governed by section 312-316 of Malaysian Penal Code. Under Section 313-314 the consent is irrelevant but if the act of abortion is done without the pregnant woman's consent the punishment is heavier (Koh et al., 1989). Under section 312 a woman who causes herself to miscarry would be liable. The defence of consent is only justified where the abortion is performed for the purpose of saving her life.

According to Section 312 of Malaysian Penal Code, whoever voluntarily causes a woman with child or pregnant women to miscarry shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both. Furthermore in the situation where the woman is quick with child, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

The only exception under this section is when a trained medical doctor believe in good faith that the continuance of the pregnancy would endangered the life of the pregnant women or it may result to the injury to the mental and physical health of the pregnant woman greater than if the pregnancy were terminated (Anita, 2000).

In the case of PP v. Dr. Nadason Kanagalingam¹⁶ where the accused was charged and convicted under Section 312 of the Malaysian Penal Code for causing a pregnant woman to miscarry. The evidence show that the accused had not given reasonable consideration and neither had not he come to a reasonable conclusion that he had to cause the woman to miscarry in order to save her life. There also no indication that her life was or would be in danger if pregnancy was allowed to continue.

Wan Mohamed J when giving the decision *inter alia* stated that the procuring an abortion is a serious matter and it should only be done as a last resort to save the life of a woman or to save a woman from becoming a mental wreck. In this case, although it is argued that accused had performed the abortion on the woman in good faith in order to save her life or to save her from becoming a mental wreck, the judge find that the argument cannot stand because from evidence produced before him the accused had not given reasonable thought and had not taken enough steps to examine the woman further. His finding that the woman had enlarged or bad varicose veins is no other than the result of his mere clinical examination.

Malaysian court gave a serious attention to the crime of abortion. Evidentiary, the court ready to upheld the conviction even to the case where there is an attempt to abort even though the women is not pregnant actually. This decision can be simply found in the case of Munah bin Ali v. PP¹⁷ where the court upheld the conviction of the accused under Section 312 of Malaysian Penal Code

read together with section 511 of the same Act even though the woman was not actually pregnant. The essential element to hold her guilty was she has the intention to cause the women to miscarry.

Therefore, it could be said here that Malaysian position is similar with the Islamic criminal law position. It can be proved on the ground that the act of abortion is a crime under Malaysian law and the only exception permitting the abortion is in the case where the fully trained doctor of the view that the pregnancy can cause a risk to the health of the pregnant mother .

LEGAL POSITION UNDER COMMON LAW

In England and Wales, the governing law for the abortion is contained in the "Offences against the Person Act 1961." Section 58 of the Act read as ... "Every woman, being with child who, with intent to procure her own miscarriage, shall unlawfully administer to herself any instrument or other noxious thing; or shall unlawfully use any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage of any woman, whether she be or not with child, shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing; or shall unlawfully use any instrument or other means whatsoever with the like intent, shall be guilty of an offence; and being convicted thereof shall be liable,...to imprisonment for life."

Then a few years later another Act had been enacted governing the offence to destroy a child capable of being born alive. The Act is known as Infant Life (Preservation) Act 1929, which was not amended by the Abortion Act 1967. In the case of *Roe v. Wade*¹⁸ the supreme court of the United State decided that the American Constitution gave a woman a right to privacy which encompassed her decision whether or not to terminate her pregnancy.

However, the court also declared that the right was not absolute and that the law could regulate the conditions for abortions between the end of first trimester (or three months) of the pregnancy and the stage of viability, and moreover once viability had been reached that the law could prohibit abortions altogether, except those necessary to preserve the life or health of the mother.¹⁹

Contrary to the situation in Malaysia where the court only recognize the defence of consent of a woman where the abortion is performed for the purpose of saving her life, the court in Common Law had appear to extend the permission to cover the miscarriage to prevent grave permanent injury to the physical or mental health of the pregnant woman.

The English case of *R v. Bourne*²⁰ shows that there is no difference between saving her life and preserving her mental health. In Bourne, a doctor was charged with using an instrument with intent to procure an abortion of a 14 years old girl a rape victim. His defense was that the

operation was not unlawful as if the operation had not been performed, she would have suffered a complete mental collapse. Mc Naghten J was of the view that not only there is a right but is a duty to perform the operation.

SUGGESTIONS

Abortion is never safe. A part from killing a living babies, it often causes women to suffer physical and psychological harm such as post-abortion syndrome, cancer of the breast, or even death. To prevent most unwanted pregnancies and abortion it is important to have sex only in marriage. This crucial message must be propagated.

Secondly, the writer agree with the opinion of Ibn Hubal that the knowledge of contraceptive and abortive medicines should not be disseminated among the common people, but should only be available to physicians to use in cases they thought appropriate.

CONCLUSION

Some Muslims today stand by the Quranic commands never to kill children neither born nor unborn. For them, the Qur'an's celebration of life in the womb as an embryo is enough. Abortion is a crime and sinful act and therefore punishable under Islamic criminal law.

However, even for most Muslims who believe this, the exception to the rule is when the mother's life is threatened and an abortion is necessary. This exception has always been encouraged in Islam as the mother's life take precedence. The Qur'an explicitly forbids exceptions like killing a child for economic reasons or for convenience which commonly had been practice: killing a child for a fear of food (rizq).

From the writer point of view, abortion should not be used as a means of birth control. The social causes leading to unwanted pregnancy should be dealt with accordingly, and if need arises temporary means of contraception should be available to marriage couples. Abortion should be limited strictly to medically indicated causes, which constitute a small proportion of abortions carried in demand and for social reasons. There is no place for abortion on demand under Islamic criminal law.

In Islamic jurisprudence there is a rule called "Sadd al-Zara'i" which means the anticipation of evil by closing the doors leading to it. A long chain leading to evil is better broken at its first link. The question of abortion is not a difficult case since the religious evidence against it is overwhelming. It is submitted that Islam recognizes, respect and protects human life in all its phases including the intrauterine stage, and therefore abortion is not to be permitted except under the direst medical indication.

As far as comparative study between Islamic law, Malaysian and common laws is concerned, the writer find out that basically the principle is similar in nature. In

other words, all of them agreed that the abortion should be prohibited as it is crime against human being and it can only be allowed where the fully trained medical doctor view that the continuance of the pregnancy will endanger the life of the mother.

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³al-Qur'an, Surah al-Ma'idah 5:32.

⁴al-Qur'an, Surah al-Takwir 81:8-9.

⁵al-Qur'an, Surah al-Isra' 17:31.

⁶al-Qur'an, Surah al-Mumtahanah 60: 12.

⁷www.islamset.com/ethics/topics/abort.html, "Abortion".

⁸al-Qur'an, Surah Al-An'aam 6:151.

⁹al-Qur'an, Surah Al-Isra' 17: 31.

¹⁰al-Qur'an, Surah al-Mu'minuun 23:12-19.

¹¹<http://www.khayma.com/maalbar>.

¹²http://www.al-Islam.org/m_morals/chap3b.htm

¹³http://www.al-Islam.org/m_morals/chap3b.htm

¹⁴Grand Imam of Al-Azhar in the forties and early fifties of the 20th century.

¹⁵ See Penal Code (Act 574).

¹⁶[1985] 2 MLJ 122.

¹⁷[1958] MLJ 159.

¹⁸410 U.S.113 (1973).

¹⁹<http://www.care.org.uk/student/abortion/>

²⁰[1939] 1 KB 687.